

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Esther Kim	Team: Team # 3	CCRB Case #: 200502862	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 03/05/2005 4:15 AM	Location of Incident: Corner of Linden Boulevard and 193rd Street/Front of Big Daddy's Bar and Lounge	Precinct: 113	18 Mo. SOL 9/5/2006	EO SOL 9/5/2006	
Date/Time CV Reported Wed, 03/16/2005 9:20 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 03/16/2005 9:20 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Matzinger	25686	927158	113 PCT
2. POF Elizabeth Andujar	30159	932259	113 PCT
3. SGT Karl Leudesdorff	03323	917871	113 PCT
4. POM Giovanni Giovanniello	08843	926880	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Steven Catanzaro	01430	915433	VED Q
2. POM Theodore Nicholls	03813	920657	113 PCT
3. DT2 Anayansi Parris	05239	898252	VED Q

Officer(s)	Allegation	Investigator Recommendation
A.SGT Karl Leudesdorff	Force: Sgt. Karl Leudesdorff used physical force against § 87(2)(b)	
B.POM Joseph Matzinger	Force: PO Joseph Matzinger used physical force against § 87(2)(b)	
C.POF Elizabeth Andujar	Abuse: PO Elizabeth Andujar refused to provide her name and shield number to § 87(2)(b)	
D.POM Giovanni Giovanniello	Force: PO Giovanni Giovanniello used physical force against § 87(2)(b)	
E.POM Joseph Matzinger	Force: PO Joseph Matzinger used physical force against § 87(2)(b)	
F.POF Elizabeth Andujar	Force: PO Elizabeth Andujar used physical force against § 87(2)(b)	

Synopsis

§ 87(2)(b) reported this incident to the CCRB on March 16, 2005 via the call processing system. On March 5, 2005, at approximately 4:15 AM, in the vicinity of *Big Daddy's Bar* on Linden Boulevard and 193rd Street in Queens, FDNY, Queens Vice, and officers from the 113th Precinct were present to conduct a headcount. § 87(2)(b)'s friend, § 87(2)(b) and he called § 87(2)(b) to come and take pictures of the incident. When § 87(2)(b) arrived, he saw the officers talking with § 87(2)(b). § 87(2)(b) backed up and put his hands in the air. He turned and grabbed onto a fence. Sgt. Leudesdorff and PO Matzinger grabbed and twisted § 87(2)(b)'s legs in an attempt to handcuff him (Allegations A and B).

Meanwhile, § 87(2)(b) asked PO Andujar for her name and shield number, but she did not provide it (Allegation C). PO Giovanniello struck § 87(2)(b)'s neck with his arm, causing him to fall to the ground (Allegation D). He struck his face on the ground. PO Giovanniello stepped on § 87(2)(b)'s hand and kicked his back (Allegation E). PO Matzinger punched § 87(2)(b) on his forehead (Allegation F). PO Andujar then stepped on § 87(2)(b)'s neck (Allegation F). The officers transported § 87(2)(b) and § 87(2)(b) to the 113th Precinct.

§ 87(2)(g)

Summary of Complaint

Medical Records

The records from § 87(2)(b) indicate that § 87(2)(b)'s chief complaint was that he "was assaulted two days ago, which resulted in injury to his ear, back, neck, shoulder, and forehead." The records indicated that § 87(2)(b) sustained a bruise to center of his forehead, a bruise to his right lower extremity and tenderness to his back (encl. 4a).

Written Statement

§ 87(2)(b) provided this written statement to the CCRB on March 21, 2005. The statement was dated on March 15, 2005 (encl. 4b). On March 5, 2005, § 87(2)(b) was at *Big Daddy's Bar* at approximately 4:15 AM. The officers were at the location, blocking the doors so patrons were unable to pass. PO Matzinger approached § 87(2)(b) and inquired about his press credentials. § 87(2)(b) continued to take pictures with his camera. Sgt. Leudesdorff asked § 87(2)(b) for his ID while threatening to close the bar. When Sgt. Leudesdorff asked § 87(2)(b) for ID again, § 87(2)(b) stated that he was not the owner of the bar. § 87(2)(b) stated that § 87(2)(b) is a co-owner. PO#2 with the red birthmark (later identified by the CCRB as PO Giovanniello) then stated that if § 87(2)(b) did not provide his ID he would go to jail. § 87(2)(b) put his hands in the air and backed up. The officers began to assault § 87(2)(b). PO#1 (later identified by the CCRB as Sgt. Leudesdorff) then tackled § 87(2)(b) and handcuffed him. The other officers twisted § 87(2)(b)'s shoulder, arms and legs. PO Giovanniello kicked § 87(2)(b) in the back. § 87(2)(b) denied striking any officers. At the precinct, PO Matzinger took off his glove and showed § 87(2)(b) his bloody hand. § 87(2)(b) stated that he planned to file a civil suit for assault and use of excessive force.

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on March 21, 2005 (encl. 4c). On March 5, 2005, at approximately 4:15 AM, § 87(2)(b)'s friend called to complain about police harassment at *Big Daddy's Bar*, which is located in the vicinity of 193rd Street and Linden Boulevard. § 87(2)(b) was a block away and he drove down to the location with his camera and started to take pictures. He took pictures of the front door, the back door, and the officers at the scene. § 87(2)(b) saw more than 15 officers in both uniforms and plainclothes at the scene. There were no interactions between the officers and the civilians as the situation was under control.

One of the officers asked § 87(2)(b) if he worked for the press. § 87(2)(b) said no. § 87(2)(b) started to walk to the corner and he took more pictures. § 87(2)(b) heard the officers asking § 87(2)(b) about the service of alcohol to a minor at the bar. The officers stated, "We're going to shut you down." § 87(2)(b) never went inside the bar so he did not know anything about the matter. The officers then asked § 87(2)(b) for ID to issue him a summons. § 87(2)(b) stated that he was the co-owner of the establishment and he would call the owner. Sgt. Leudesdorf then stated, "If we don't get you for this today, we'll catch you tomorrow. We're going to lock you up and you're going to jail." At that point, § 87(2)(b) backed up and put his hands in the air. § 87(2)(b) had his arms up against the fence. The officers grabbed his legs. Two officers tried to break his legs by twisting his legs into opposite directions. § 87(2)(b) was holding onto the fence, insistent that he was not resisting. About four officers pushed him to the ground. PO Giovanniello and other white male officers in uniform were involved. § 87(2)(b) was struggling "a bit" but he did not strike any of the officers.

§ 87(2)(b) asked a female officer and another officer for their names and shield numbers. PO Matzinger and SGT Leudesdorff provided their names to him. As § 87(2)(b) was about to take pictures, an officer "clothes lined" him. He was struck on the right side of his neck by an arm. Initially during the interview, § 87(2)(b) was unable to identify which officer had struck him. Later, § 87(2)(b) stated that the officer with the red birthmark (identified by the CCRB as PO Giovanniello) was the one who hit him. He fell to the ground, hitting the back of his head. § 87(2)(b)'s camera fell out of his hand. § 87(2)(b) sat back up and asked, "What did you do that for?" An officer said, "Shut up." § 87(2)(b) was not certain which officer spoke to him.

§ 87(2)(b) reached for his camera and an officer stepped on his hand. An officer grabbed § 87(2)(b) and handcuffed him. An officer kicked § 87(2)(b)'s back and he hit his face on the ground. PO Matzinger told § 87(2)(b) to "shut up" and he punched § 87(2)(b) in the center of his forehead, which resulted in a bruise. § 87(2)(b) was not certain if PO Matzinger struck him more than two times. § 87(2)(b) was not certain if he sustained injuries from the punch or when his head struck the ground. § 87(2)(b) believed he lost consciousness for five to ten seconds. After punching § 87(2)(b) PO Matzinger grabbed his right hand "as if he hurt himself." PO Andujar stomped on § 87(2)(b)'s neck while he was on the ground. § 87(2)(b) was not resisting. § 87(2)(b) sustained injuries to his ear and right eye. § 87(2)(b) stated that "someone said that Sgt. Leudesdorff also hit me but I never saw him." § 87(2)(b) recalled only force against his face, back and head. Sgt. Leudesdorff and PO Matzinger then picked up § 87(2)(b) and put him into a marked car.

The officers left the camera in the street. § 87(2)(b) whom § 87(2)(b) believed to be a federal agent, was at the bar and he picked up the camera. § 87(2)(b) showed his ID to the officers. § 87(2)(b) tried to tell the officers that § 87(2)(b) did not do anything. The officers told § 87(2)(b) to "mind his business."

At the precinct, PO Matzinger took off his glove and he had a bloody fist. § 87(2)(b) asked, "Did you break something?" PO Matzinger said yes. § 87(2)(b) said, "Well good. That's what you get for hitting me." PO Matzinger started laughing. The female officer kept telling § 87(2)(b) to "Shut up." § 87(2)(b) and § 87(2)(b) were placed inside the same holding cell. § 87(2)(b) stated that the officers told him that if he went to the hospital his arrest process would be delayed. § 87(2)(b) then decided to bypass medical treatment until he was released. He went to § 87(2)(b) and he also went to his private doctor, § 87(2)(b) on § 87(2)(b). He sustained a mild contusion to his forehead, crushed disc, and damaged nerve in his neck. § 87(2)(b) complained about his hearing and sight. § 87(2)(b) received pain medicine and was ordered to two to three weeks of bed rest.

Results of Investigation

Efforts to Locate Witnesses

§ 87(2)(b) provided the names and phone numbers of § 87(2)(b) and § 87(2)(b) during his CCRB interview. The investigator contacted § 87(2)(b) on April 20, 2005 by phone. He did not wish to give a CCRB statement. The investigator attempted to contact the § 87(2)(b) family nine times by phone. Venay § 87(2)(b) scheduled an interview on April 8, 2005 but failed to appear. § 87(2)(b) scheduled an interview on April 21, 2005 but

then he cancelled an hour after his appointment. The § 87(2)(b) family has subsequently remained unresponsive to the investigator's attempts to schedule an interview. § 87(2)(b) missed his scheduled appointment on March 25, 2005 and he has also remained unresponsive to the investigator's contact attempts. The investigator contacted § 87(2)(b) by phone on May 31, 2005. She stated that she did not remember the incident.

The investigator conducted a field canvass of the location. A sign on the establishment indicated that the bar would be closed until further notice. A date was not provided. The area surrounding the bar is mainly commercial. Several businesses are situated across the street from the bar, however no stores were located that appeared to be open at 4:00 AM. The owner of the grocery store, located directly across from Big Daddy's Bar, stated that he closed his business at 11:00 PM. There was construction to the side of the bar, which included metal fencing along the perimeter.

Officer Identification

§ 87(2)(b) provided four pictures, which depicted the subject officers involved in this incident. In his written statement, § 87(2)(b) described PO#1 as a uniformed white male with glasses and spiky hair. PO#2 was described as a uniformed white male with dark hair, a red birth mark on his neck and weighing about 240 lbs. PO#3 was described as a uniformed white male with brown hair, 5'10 feet tall, and weighing 240 lbs. He was also wearing a headband and glasses. PO#4 was a uniformed white female with blonde/brown hair, 5'5 feet tall, and a thin build. § 87(2)(b) labeled the officers with numbers on the photographs. The CCRB identified PO#1 as PO Matzinger, PO#2 as PO Giovanniello, PO#3 as Sgt. Leudesdorff and PO#4 as PO Andujar.

§ 87(2)(b) was unable to specifically identify Sgt. Leudesdorff and PO Matzinger as the officers who restrained and handcuffed § 87(2)(b). However, subsequent officer interviews identified Sgt. Leudesdorff and PO Matzinger as the subject officers, since they admitted to physically interacting with § 87(2)(b).

§ 87(2)(g) Of the four subject officers identified by § 87(2)(b) PO Andujar was the only female officer. § 87(2)(g)

§ 87(2)(b) After falling to the ground, § 87(2)(b) alleged that an officer stepped on his hand and his back. § 87(2)(b) was unable to identify this officer by name, though he mentioned that PO Giovanniello was the subject officer in his written statement. § 87(2)(g)

§ 87(2)(b) PO Matzinger and PO Andujar also admitted to their physical involvement with § 87(2)(b). § 87(2)(g)

Arrest Reports

PO Andujar arrested § 87(2)(b) on March 6, 2005 on charges of § 87(2)(a) 160.50. § 87(2)(b) PO Andujar indicated on the arrest report that on March 5, 2005, "§ 87(2)(a) 160.50." PO Andujar indicated that physical force was used to restrain/control/remove (encl. 5a).

PO Andujar arrested § 87(2)(b) on March 5, 2005 on charges of § 87(2)(a) 160.50. § 87(2)(b) The details of the arrest indicated that the "§ 87(2)(a) 160.50." PO Andujar indicated that physical force was used in the arrest to restrain/control/remove (encl. 5b).

Criminal Court Complaint

§ 87(2)(a) 160.50
§ 87(2)(a) 160.50
§ 87(2)(a) 160.50
§ 87(2)(a) 160.50
§ 87(2)(a) 160.50

Officer Statements

PO Elizabeth Andujar was interviewed at the CCRB on June 8, 2005 (encl. 5d).

On March 5, 2005, at approximately 4:15 AM, PO Andujar was assigned to Conditions with PO Matzinger in an unmarked car. The officers responded to assist FDNY with a headcount of the bar. There were two doors to the bar, and PO Andujar and her partner blocked the side door. Patrons were exiting through the front door of the bar. There were about 170 people at the location.

§ 87(2)(b) was standing on the corner outside of the bar. PO Andujar and her partner asked § 87(2)(b) who has identified himself in the past as § 87(2)(b) for ID. The officers intended to issue him summonses for overcrowding. § 87(2)(b) refused. The officers told him that he would be arrested if he did not comply with the order. § 87(2)(b) ran down Linden Boulevard. The officers did not attempt to chase him and instead asked § 87(2)(b) for ID instead. § 87(2)(b) has identified himself in the past as § 87(2)(b). § 87(2)(b) returned and told § 87(2)(b) not to provide identification to the officers. PO Andujar did not recall if § 87(2)(b) or § 87(2)(b) ever produced ID. When § 87(2)(b) returned, the officers attempted to place him under arrest. § 87(2)(b) ran again down 193rd Street.

PO Andujar headed in that direction, but PO Matzinger, Sgt. Leudesdorff, and § 87(2)(b) were front of her. The officers caught up with § 87(2)(b) across from the side door to the bar. PO Andujar did not physically assist in the arrest of § 87(2)(b). PO Andujar denied stepping on § 87(2)(b)'s body. PO Andujar did not see officers punch or kick § 87(2)(b).

§ 87(2)(b) was taking pictures of the officers' names and shields, but he did not ask the officers for their information. When the officers attempted to effect the arrest of § 87(2)(b), § 87(2)(b) attempted to jump on the back of one of the officers. The officer turned around and § 87(2)(b) fell onto the ground. PO Andujar instructed § 87(2)(b) to stay down several times. § 87(2)(b) was fighting and he would not stay down. PO Andujar was on the ground with § 87(2)(b) with one handcuff on him. PO Matzinger came over to assist PO Andujar, and he helped handcuff § 87(2)(b). At one point, PO Matzinger also ended up on the ground and § 87(2)(b) rolled over his hand. PO Matzinger's left hand was swollen, and it was later determined that his hand was broken. § 87(2)(b) complained of pain, so an ambulance was requested. PO Andujar did not see visible injuries on § 87(2)(b) or § 87(2)(b).

PO Joseph Matzinger was interviewed at the CCRB on June 9, 2005 (encl. 5e).

On March 5, 2005, at approximately 4:15 AM, PO Matzinger was assigned to Conditions with Sgt. Leudesdorff and PO Andujar. The Vice unit asked Sgt. Leudesdorff to back them up at the bar while they conducted a state liquor authority check. The Vice unit asked the officers to secure the side door while a headcount of the bar was conducted.

The officers approached § 87(2)(b) who has in the past represented himself as § 87(2)(b), outside of the bar. § 87(2)(b) was asked numerous times for his ID. § 87(2)(b) refused to provide his ID, stating that he was not § 87(2)(b). The officers explained that § 87(2)(b) would have to go to the precinct in order to determine his identity. § 87(2)(b) stated, "You're going to have to catch me" and he ran down the block. PO Matzinger and Sgt. Leudesdorff chased him for fifty feet. Sgt. Leudesdorff grabbed § 87(2)(b) from behind and PO Matzinger crashed into § 87(2)(b). All three individuals fell on the ground. § 87(2)(b)'s hands were behind his back but it was difficult to put the handcuffs on him since he was resisting.

While the officers were effecting the arrest of § 87(2)(b), § 87(2)(b) ran over and jumped on an officer's back. The officer pushed § 87(2)(b) off. PO Matzinger did not know if § 87(2)(b) fell to the ground. PO Matzinger turned around and he saw PO Andujar "rolling on the ground" with § 87(2)(b) in an attempt to handcuff him. PO Matzinger observed § 87(2)(b) with a closed fist in the air. In PO Matzinger's opinion, § 87(2)(b) looked like he was going to hit PO Andujar. PO Matzinger ran over and grabbed § 87(2)(b)'s hand. PO Matzinger ended up on the ground with PO Andujar and tried to handcuff § 87(2)(b). § 87(2)(b) slammed PO Matzinger's hand to the ground, which resulted in a fracture. PO Matzinger was able to finish handcuffing § 87(2)(b). No other officers assisted. § 87(2)(b) did not strike any of the officers except when he jumped on the officer's back. PO

Matzinger did not see an officer punch or kick § 87(2)(b) or § 87(2)(b). PO Matzinger did not see PO Andujar stomp on § 87(2)(b)'s head or body. PO Matzinger did not punch § 87(2)(b). Sgt. Leudesdorff was not involved in the arrest of § 87(2)(b).

PO Matzinger did not recall § 87(2)(b) asking for the names and shields of the officers. PO Matzinger went to the precinct first, and then he went to the hospital. PO Matzinger did not have any conversation with § 87(2)(b) regarding his hand injury.

Sgt. Karl Leudesdorff was interviewed at the CCRB on June 17, 2005 (encl. 5f).

On March 5, 2005, at approximately 4:15 AM, Sgt. Leudesdorff was assigned as the patrol supervisor with PO Andujar, when he responded to the location to provide backup for Queens Vice. Sgt. Catanzaro, of Vice, planned to issue a summons to a bartender for serving a minor. FDNY was called to conduct a headcount and patrons were exiting through the front door. Sgt. Leudesdorff, PO Matzinger, PO Giovanniello, and PO Andujar's main role was to provide "uniformed presence."

Sgt. Leudesdorff has had previous interaction with § 87(2)(b) and § 87(2)(b). Sgt. Leudesdorff approached § 87(2)(b) who was standing outside of the bar, and asked him for ID numerous times. § 87(2)(b) refused to produce his ID and stated, "You'll have to chase me." Sgt. Leudesdorff stated, "We don't have to chase you. You work at the bar, we can come back another time and issue a summons." § 87(2)(b) walked away. Sgt. Leudesdorff later explained that § 87(2)(b) first "did a quick step and then he ran away." None of the officers pursued § 87(2)(b). Sgt. Leudesdorff then approached § 87(2)(b) the co-owner of the bar, to issue him the summons, instead of § 87(2)(b). § 87(2)(b) was standing calmly on the side of the bar, however he was hesitant to provide his ID. § 87(2)(b) returned and he was irate. The officers attempted to arrest § 87(2)(b) who started pushing and flailing his arms.

§ 87(2)(b) ran away and tripped on a fence, which was located on the side street of the bar, near construction work. Sgt. Leudesdorff grabbed him with PO Matzinger's assistance. § 87(2)(b) put his hands under his body and he was kicking his legs. § 87(2)(b)'s other hand was swinging around. During the struggle, PO Matzinger's left hand was broken, but Sgt. Leudesdorff was not certain how it happened. § 87(2)(b) and Sgt. Leudesdorff fell on the ground at some point. Sgt. Leudesdorff denied punching or kicking § 87(2)(b) or observing any other officers use such physical force. Sgt. Leudesdorff did not use any other physical force against § 87(2)(b) except to grab his arms.

§ 87(2)(b) was twenty feet behind Sgt. Leudesdorff, and he attempted to interfere in the arrest. Sgt. Leudesdorff observed § 87(2)(b) taking pictures earlier at the scene. Sgt. Leudesdorff's eyeglasses were knocked off and he could not see well. Sgt. Leudesdorff did not assist in the arrest of § 87(2)(b). Sgt. Leudesdorff did not see any physical force used against § 87(2)(b).

Sgt. Leudesdorff saw a bruise on § 87(2)(b)'s forehead. § 87(2)(b) was complaining and he was treated at the precinct. § 87(2)(b) asked Sgt. Leudesdorff for his name, which he provided to him. Sgt. Leudesdorff did not know if § 87(2)(b) asked for the names of the other officers.

PO Giovanni Giovanniello was interviewed at the CCRB on July 29, 2005. The following memo book entries are relevant to this incident (encl. 5g).
403: 2 under 193 and Linden

On March 5, 2005, at approximately 4:15 AM, in the vicinity of 193rd Street and Linden Boulevard, PO Giovanniello was assigned with PO Matzinger and PO Andujar. He recalled that FDNY was on the scene conducting a headcount of the bar. Sgt. Leudesdorff was attempting to obtain the ID of § 87(2)(b) in order to issue him a summons, however he ran away from the officers. He ran about a block. There were no attempts to chase § 87(2)(b). § 87(2)(b)'s uncle, § 87(2)(b) was also present at the scene, so the officers decided to obtain the ID of § 87(2)(b) instead since he is a co-owner. § 87(2)(b) complied with the officers' orders and began to take out his ID. § 87(2)(b) then ran back over and tried to remove the ID from Sgt. Leudesdorff's hands. Another officer from the 113th PCT was with Sgt. Leudesdorff. The officers tried to grab § 87(2)(b) who attempted to flee again. PO Giovanniello stated, "words were exchanged and a scuffle started" as § 87(2)(b) started cursing. § 87(2)(b) came over and tried to intervene, after

previously taking pictures of the officers. PO Giovanniello grabbed § 87(2)(b)'s shoulders and intentionally brought him to the ground. § 87(2)(b) was trying to fight, by swinging his arms. PO Giovanniello stated it was not forceful but just to gain control over him. Once on the ground, there were no other problems with § 87(2)(b). PO Matzinger and PO Andujar helped him arrest § 87(2)(b). PO Matzinger broke his hand while trying to arrest § 87(2)(b). PO Giovanniello did not see how PO Matzinger broke his hand. The officers did not punch or kick anyone.

§ 87(2)(b) was already handcuffed by the time PO Giovanniello was finished arresting § 87(2)(b). PO Giovanniello did not see the arrest of § 87(2)(b). PO Giovanniello did not see § 87(2)(b) on the ground. PO Giovanniello did not recall § 87(2)(b) asking for names and badge numbers. PO Giovanniello did not see or hear any complaints of injuries.

Sgt. Steven Catanzaro was interviewed at the CCRB on June 30, 2005 (encl. 5h).

Det. Anayansi Parris was interviewed at the CCRB on July 28, 2005 (encl. 5i).

On March 5, 2005 at approximately 4:15 AM, Sgt. Catanzaro was assigned as the supervisor for Queens Vice. He was working with Det. Williams, Det. Gonzalez, and Det. Parris. Sgt. Catanzaro instructed Det. Gonzalez and auxiliary police officer Contreras to go into the location to buy alcohol. Sgt. Catanzaro received a call from the officers stating that the sale was positive and the bar was extremely crowded. Sgt. Catanzaro then called for assistance from the 113th Precinct. The club unit from the 113th PCT arrived and Sgt. Catanzaro informed the officers that he wanted to issue a summons to the bartender for a sale to a minor.

The battalion chief arrived and Sgt. Catanzaro told him to issue a summons to the owner. FDNY started counting the patrons. Sgt. Catanzaro explained to the owner (male black, § 87(2)(b) old) that he was going to be issued a summons. The owner refused. Sgt. Catanzaro turned around to speak to the FDNY chief, and he saw a crowd of people running down the block. Det. Parris saw the male, known to her as "§ 87(2)(b)" yelling at the 113th Precinct sergeant. It appeared to her that the male had thrown something at the sergeant before he ran away. Det. Parris then turned her attention to two girls who had exited the bar and attempted to run after the male. She did not see the arrest. About halfway down the block, Sgt. Catanzaro saw Sgt. Leudesdorff "strike the fence and then fall to the ground." Sgt. Leudesdorff's glasses fell off. The fence was about 6 feet tall. There were a few officers involved in the arrest. The male was fighting and he tried to break through the fence. Sgt. Leudesdorff was attempting to arrest the male.

Sgt. Catanzaro went over to where Sgt. Leudesdorff was located, and he heard someone say, "Stop resisting." The officers lifted one handcuffed male from the ground and took him to the car. The officers then lifted another handcuffed male and took him to the car. Sgt. Catanzaro did not see the second arrest. Det. Parris did not see any of the arrests. Sgt. Catanzaro believed the second male was taking pictures at the location. Sgt. Catanzaro asked Sgt. Leudesdorff to explain what had happened. Sgt. Leudesdorff stated that § 87(2)(b) was arrested for § 87(2)(a) 160.50. The second male was arrested for § 87(2)(b).

Sgt. Catanzaro and Det. Parris did not assist in any of the arrests. Both officers denied seeing any officers striking either male. They did not hear anyone asking for the names and shield numbers of the officers.

Officers Not Interviewed

According to § 87(2)(b)'s CCRB statement, the only subject officers involved in this incident were three uniformed white male officers and one uniformed white female officer. § 87(2)(b) never identified any plainclothes officers as potential subject officers. Sgt. Catanzaro and Det. Parris of Queens Vice were interviewed and there was no indication from their CCRB statements that plainclothes officers from Queens Vice were directly involved in the arrests of § 87(2)(b) and § 87(2)(b). Moreover, the interviewed officers from the 113th Precinct provided no indication that officers from Queens Vice were involved in the arrests. § 87(2)(g)

§ 87(2)(g)
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§ 87(2)(g)

PO Nicholls and PO Harrison, who were assigned with Sgt. Leudesdorff initially, were present at the stationhouse processing an unrelated arrest at the time of the incident.

Medical Documents

§ 87(2)(b)

§ 87(2)(b) was admitted to the hospital as a walk-in on § 87(2)(b). The records indicate that § 87(2)(b)'s chief complaint was that he "was assaulted two days ago, which resulted in injury to his ear, back, neck, shoulder, and forehead. § 87(2)(b) indicated that he was in police custody until March 6, 2005. The records indicated that § 87(2)(b) sustained a bruise to the center of his forehead, a bruise to his right lower extremity and tenderness to his back. § 87(2)(b) was prescribed Advil every six hours for pain (encl. 6a).

§ 87(2)(b) was unable to provide the address or phone number for his private doctor. An online search for the address of § 87(2)(b) produced negative results.

Court Documents

Notice of Claim

§ 87(2)(b) filed this document on § 87(2)(b) in regards to his denial of civil rights, battery, false arrest and negligence in screening, hiring, training, supervising and retaining of police officers. § 87(2)(b) stated that "an officer struck him from behind in the back of his head, knocking him to the ground. Another officer stomped on his hand. Another officer then kicked the back of his head so hard that he fell forward, striking his forehead. He lost consciousness. PO Andujar put her foot on the back of his neck. PO Matzinger then punched him in the forehead." § 87(2)(b) claimed twenty million dollars. The 50H hearing was scheduled for § 87(2)(b), however § 87(2)(b) did not appear. A new date has not yet been rescheduled (encl. 7a).

Police Documents

SPRINT

At 3:17 AM, officers entered the location in regards to overcrowded conditions at Big Daddy's Bar. At 3:54 AM, the Vice Sergeant arrived at the location. At 3:55 AM, 113 Cabaret stated there was an injured MOS and EMS was required at the 113th Precinct. The injury was later clarified as an injury to the MOS' hand and a 10-13 is related to club conditions at 192-20 Linden Boulevard. At 4:02 AM, EMS was on the scene. At 4:04 AM, one individual was arrested. At 4:21 AM, 113E went to North Shore Hospital with one injured MOS (encl. 8a).

Command Log

On March 5, § 87(2)(b) arrived at the 113th Precinct at approximately 4:00 AM on charges of § 87(2)(a) 160.50. A bruise was noted on his head (encl. 8b).

On March 5, 2005, § 87(2)(b) arrived at the 113th Precinct at approximately 4:00 AM on charges of § 87(2)(a) 160.50. His physical condition was noted as "apparently normal."

113th Precinct Roll Call

During Tour 1, PO Giovanniello, PO Matzinger and PO Andujar were assigned to the Club Unit Auto in vehicle #709. Sgt. Leudesdorff was assigned with PO Harrison and PO Nicholls in vehicle #1274 (encl. 8c).

Line of Duty Report

This document was requested, however it was not returned to the investigator.

Subject Officer History

Sgt. Leudesdorff, PO Matzinger, PO Giovanniello and PO Andujar do not have any substantiated CCRB cases (encl. 1a-d).

Civilian Criminal History

As of July 25, 2005, the NYPD discontinued the CCRB's direct access to the BADS database. Although the NYPD is fulfilling the CCRB's request for BADS records, it has refused to provide the CCRB with the arrest histories of CCRB witnesses.

Conclusions and Recommendations

Disputed Facts

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Undisputed Facts

§ 87(2)(b) was taking photographs of the officers during the incident. § 87(2)(b) did not provide his ID to the officers. PO Matzinger were transported to § 87(2)(b) for treatment after the incident. § 87(2)(b) did not receive medical treatment at the precinct, however he obtained medical treatment on his own.

Credibility

§ 87(2)(g)
[REDACTED] § 87(2)(b) identified Sgt. Leudesdorff as the officer who tackled him in his written statement but later identified PO Giovanniello as the officer who "clothes-lined" him. § 87(2)(b) provided a photograph, clearly depicting the four subject officers, PO Matzinger, Sgt. Leudesdorff, PO Giovanniello and PO Andujar. § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED] In regards to the arrest of § 87(2)(b) § 87(2)(b) stated that the officers "grabbed his legs, as if to break them." Though § 87(2)(b) was uncooperative with the CCRB, the police records indicate that he did not seek medical attention. In regards to his own arrest, § 87(2)(b) detailed several instances of physical force, resulting in a mild contusion, a crushed disc and a damaged nerve. § 87(2)(b) also complained of damage to his hearing and sight. The medical records do not corroborate his claims. The records indicated that § 87(2)(b) sustained a bruise to center of his forehead, a bruise to his right lower extremity and tenderness to his back. § 87(2)(b) was prescribed Advil every six hours for pain. Also, § 87(2)(b) claimed that PO Matzinger clutched his right hand after he allegedly punched him and showed his bloody hand to him at the precinct. PO Andujar and Sgt. Leudesdorff noted that PO Matzinger injured his left hand. The LOD reports were unavailable for corroboration. § 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation A: Sgt. Karl Leudesdorff used physical force against § 87(2)(b)

Allegation B: PO Joseph Matzinger used physical force against § 87(2)(b)

In his written statement, § 87(2)(b) observed officers assaulting § 87(2)(b). In his CCRB statement, § 87(2)(b) observed officers grabbing and twisting § 87(2)(b)'s legs while he held onto the fence. § 87(2)(b) never mentioned that § 87(2)(b) ran away from the officers, though the officer statements support the contrary. § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)
[REDACTED]
[REDACTED]

According to the officers, § 87(2)(b) ran away and returned only to intervene in their interactions with § 87(2)(b). § 87(2)(b) refused to give his hands up to the officers and he kicked his legs. Both officers admitted that they pursued § 87(2)(b) and fell to the ground with him. The officers denied using any other physical force except to grab § 87(2)(b)'s arms.

§ 87(2)(g)

Allegation C: PO Elizabeth Andujar refused to provide her name and shield number to § 87(2)(b)

§ 87(2)(b) stated that he asked PO Andujar, PO Matzinger and Sgt. Leudesdorff for their names and shield numbers during the incident. According to § 87(2)(b) only PO Andujar did not provide her name and shield number. § 87(2)(g)

§ 87(2)(b) The photograph provided by § 87(2)(b) (encl. 4d) clearly display the shields of PO Matzinger and Sgt. Leudesdorff. Only Sgt. Leudesdorff recalled § 87(2)(b) requesting his name and shield number. PO Andujar denied hearing § 87(2)(b) asking for her name and shield number. § 87(2)(g)

Allegation D: PO Giovanni Giovanniello used physical force against § 87(2)(b)

Allegation E: PO Joseph Matzinger used physical force against § 87(2)(b)

Allegation F: PO Elizabeth Andujar used physical force against § 87(2)(b)

In his written statement, § 87(2)(b) alleged that Sgt. Leudesdorff tackled him first and PO Giovanniello kicked him in the back. § 87(2)(b) did not detail any other use of force. In his CCRB statement, § 87(2)(b) did not mention that Sgt. Leudesdorff tackled him, but that PO Giovanniello "clothes-lined him." § 87(2)(b) then stated that PO Matzinger punched him in the forehead, which resulted in the injury to his hand. Lastly, § 87(2)(b) stated that PO Andujar stepped on his neck while he was on the ground. § 87(2)(b) denied resisting.

All of the involved officers, except PO Giovanniello mentioned that § 87(2)(b) intervened in the arrest of § 87(2)(b). PO Andujar and PO Matzinger specifically noted that § 87(2)(b) had jumped onto an officer's back. PO Matzinger stated that he observed § 87(2)(b) with a raised closed fist directed towards PO Andujar. PO Giovanniello stated that he also assisted in handcuffing § 87(2)(b) by grabbing him and bringing him the ground. PO Andujar stated that she ordered § 87(2)(b) to remain on the ground but he continued to struggle. When PO Matzinger attempted to assist her in the handcuffing of § 87(2)(b) the officers ended up on the ground. § 87(2)(g)

§ 87(2)(b) PO Matzinger stated that § 87(2)(b) had slammed his hand onto the ground during the struggle, while PO Andujar stated that § 87(2)(b) had rolled over PO Matzinger's hand. The officers denied using any additional physical force against § 87(2)(b).

§ 87(2)(g)

§ 87(2)(b) claimed he sustained a mild contusion, a crushed disc, a damaged nerve in addition to damage to his hearing and sight. The medical documents documented bruising to § 87(2)(b)'s forehead, right lower extremity and back. There was no documentation for a crushed disc, damaged nerves or problems with his hearing or sight. § 87(2)(g)

§ 87(2)(g) [Redacted text block]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date: